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March 20, 2012

VIA EMAIL

Honorable Jose L. Linares
United States District Judge
Martin Luther King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: United States v. Andrew Cox, Cr. No. 11-99 (JLL)

Dear Judge Linares:

Please accept this letter response to Defendant Andrew Cox's *pro se* motion for release pending appeal before entry of judgment of conviction (Docket No. 78). As indicated in the defendant's motion, he is represented by counsel and has opted against counsel's advice to file the instant motion *pro se*. See Docket No. 78 at 1 ("I am submitting this motion *pro se* because my **very competent counsel** and I (reasonable minds) disagree . . .") (emphasis added). Pursuant to well-settled law in the Third Circuit, a defendant is not entitled to hybrid representation and district courts may properly exercise their discretion to disregard *pro se* filings by represented defendants. See United States v. D'Amario, No. 07-4134, 268 Fed. Appx. 179 (3d Cir. 2008) (also citing McKaskle v. Wiggins, 465 U.S. 168, 183 (1984) (finding that there is no constitutional right to hybrid representation)).

Accordingly, the government respectfully requests that the Court dismiss the defendant's *pro se* motion for release. We thank the Court for its consideration.

Respectfully submitted,

PAUL J. FISHMAN
United States Attorney

By: JANE H. YOUNG
Assistant U.S. Attorney

cc: Michael Orozco

SO ORDERED.

HON. JOSE L. LINARES, U.S.D.J.

3/20/12
DATE